

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

SHAWN L. MITCHELL,

Plaintiff,

VS.

**MICHAEL J, ASTRUE, Commissioner of
Social Security,**

Defendant.

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**CIVIL ACTION FILE
NO. 3:07-CV-45 (CDL)**

RECOMMENDATION OF DISMISSAL

On November 8, 2007, plaintiff filed a motion to dismiss his complaint without prejudice. Inasmuch as an answer had already been filed herein, the undersigned checked with counsel for the defendant had learned that defendant has no objection to this complaint being dismissed without prejudice. Accordingly, it is the **RECOMMENDATION** of the undersigned that plaintiff's motion be **GRANTED** and his complaint dismissed without prejudice. Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable Clay D. Land, United States District Judge, WITHIN TEN (10) DAYS of receipt thereof.

SO RECOMMENDED, this 9th day of November 2007.

/s/ **Richard L. Hodge**

RICHARD L. HODGE

UNITED STATES MAGISTRATE JUDGE